

State and Local Government in Louisiana: An Overview 2008-2012 Term

CHAPTER 2 — STATE GOVERNMENT FUNCTIONS

Part D. Health and Social Services

The state's health programs are administered by the Department of Health and Hospitals. Social welfare programs are administered by the Department of Social Services. Prior to reorganization legislation in the 1970s which established the Department of Health and Human Resources (DHHR), these programs were conducted by approximately 60 separate agencies and boards. DHHR was abolished in 1988 and the two separate departments were established, the Department of Health and Hospitals and the Department of Social Services.

DEPARTMENT OF HEALTH AND HOSPITALS

The Department of Health and Hospitals (DHH) develops and provides health and medical services for the prevention of disease for the citizens of Louisiana. It also provides health and medical services for the uninsured and medically indigent directly, through the operation of health care facilities, or indirectly by agreement with the Louisiana State University Health Sciences Center. (R.S. 36:251(B)) Its \$7.7 billion budget is over 23.1% of the total state budget.

- Secretary, Deputy Secretary, Undersecretary

Appointed by the governor with consent of the Senate, the secretary serves as the executive head and chief administrative officer of DHH. The secretary has responsibility for the policies of the department, and for the administration, control, and operation of the functions, programs, and affairs of the department, under the general control and supervision of the governor. (R.S. 36:253) The secretary's powers and duties are specifically enumerated in R.S. 36:254. The secretary may appoint a deputy secretary, subject to Senate consent. The duties and functions of the deputy secretary are determined and assigned by the secretary. If appointed, the deputy secretary serves as acting secretary in the absence of the secretary. (R.S. 36:255) The undersecretary is appointed by the governor with Senate consent, and is responsible for the office of management and finance within the department, subject to the overall direction and control of the secretary. (R.S. 36:256)

Duties of the Secretary

Mandatory duties. In addition to the standard duties of a department secretary related to rulemaking, planning, budgeting, and hearing appeals, the secretary is responsible for:

- Acting as the sole agent of the state to cooperate with the federal government and other state and local agencies and in the administration of federal funds in furtherance of department function, including Medicaid and the Louisiana Children's Health Insurance Program (LaCHIP); and taking actions necessary to meet federal standards.

- Certifying emergency medical services.
- Providing adult protective services to disabled adults.
- Providing targeted health care programs in priority health care zones to lower infant mortality, teenage pregnancy, and substance abuse, if federal funds are available.
- Developing and implementing targeted programs to enhance basic care facilities and comprehensive regional treatment centers, if federal funds are available.
- Allocating funding for residency positions, residency supervision, and other medical education resources among institutions which provide medical education at hospitals in the health care services division of the Louisiana State University Health Sciences Center. (R.S. 36:254)

Licensing. The secretary is also responsible for licensing of:

- Health related professionals. (See the "Boards and Commissions in the Department of Health and Hospitals" table on page 2D-4.)
- Health facilities including hospitals and nursing homes.
- Institutions for persons with developmental disabilities.
- Systems of distribution for controlled dangerous substances.
- Child care institutions funded under Title XIX of the Social Security Act.
- Any required certification for Medicare or Medicaid funding. (R.S. 36:254)

Permissive functions. The secretary has authority to:

- Act as legal custodian of any child placed with the department by court of law.
- Grant rights of way, servitudes, and easements across state-owned land under his jurisdiction to other state or local public bodies for any public purpose.
- Adopt and promulgate rules and regulations providing for certification of laboratories providing chemical analysis, analytical results, or other appropriate test data to the department.
- Assign the function of diagnosis and case management of alcohol and drug abusers, the developmentally disabled, and the autistic to the appropriate department office or level of government. (R.S. 36:254)

Responsibility for Medicaid. The secretary directs and is responsible for the Medical Assistance Program (Title XIX of the Social Security Act), also known as "Medicaid", including eligibility determination and health planning and resource development functions. The secretary may enter into interagency agreements for the performance of eligibility determination services for the Medical Assistance Program. (See further

discussion under "Medicaid" beginning on page 2D-9.)

- Assistant Secretaries

Each office, except the office of management and finance, is under the immediate supervision and direction of an assistant secretary appointed by the governor with consent of the Senate, with duties and functions determined by the secretary. Assistant secretaries perform under the direct supervision and control of the secretary. (R.S. 36:257)

Offices

- Office of the Secretary

The office of the secretary serves as the administrative arm of the department and includes several sections. The medical director and state health officer are responsible for medical consultation on health care programs, quality of care, and access to health services. The medical director also serves as a liaison to the department with the health professionals throughout the state and the emergency preparedness and response activities. The bureau of legal services provides a range of legal assistance to the department programs and facilities. The bureau of research, policy and program development is responsible for developing and implementing special initiatives within the department as well as assisting the department program offices with grant identification and writing. The bureau of primary care and rural health works toward developing health care in underserved areas through recruiting health care professionals, fostering networks of care, and identifying resources to improve health services. The bureau of media and communications is responsible for the acquisition, compilation, preparation, and dissemination of information related to all operations of DHH through the media and is responsible for oversight of all boards and commissions. A large number of boards and commissions in DHH are charged with the responsibility for the regulation, examination, certification, and licensing of various health care related occupations and professions. Rules and regulations promulgated by the boards and commissions are subject to review (legislative oversight) by the House Committee on Health and Welfare and the Senate Committee on Health and Welfare. (See the "Boards and Commissions in the Department of Health and Hospitals" table on the next page.)

Boards and Commissions in the Department of Health and Hospitals

- Addictive Disorder Regulatory Authority
- Chiropractic Examiners, La. Board of
- Counselors Board of Examiners, La. Licensed Professional
- Dentistry, La. State Board of
- Dietetics and Nutrition, La. State Board of Examiners in
- Electrolysis Examiners, State Board of
- Embalmers and Funeral Directors, La. State Board of
- Hearing Aid Dealers, La. Board for
- Massage Therapy, La. Board of
- Medical Examiners, La. State Board of
- Nursing, La. State Board of
- Nursing Facility Administrators, Board of Examiners for
- Optometry Examiners, La. State Board of
- Pharmacy, La. Board of
- Physical Therapy Examiners, La. State Board of
- Practical Nurse Examiners, La. State Board of
- Psychologists, State Board of Examiners for
- Radiologic Technology Board of Examiners
- Sanitarians, La. State Board of Examiners for
- Social Work Examiners, La. State Board of
- Speech-Language Pathology and Audiology, La. Board of Examiners for
- Veterinary Medicine, La. Board of
- Vocational Rehabilitation Counselors Board of Examiners, La. Licensed Professional
- Wholesale Drug Distributors, La. Board of

- Office of Management and Finance

Directed by the undersecretary, the office of management and finance is responsible for the accounting and budget control, procurement and contract management, data processing, personnel management, and facility construction and consulting services for the department and all of its offices. (R.S. 36:256(B))

- Office of Public Health

The office of public health performs the functions of the state which relate to the general health of its citizens. The office prepares and supervises the Sanitary Code, local health units, physical fitness, supplemental food programs for women, infants, and children (WIC), and emergency medical services. The office performs the functions of the state related to treatment and disposal of sewerage, except those assigned to the Department of Environmental Quality. (R.S. 36:258(B))

The functions of the office are allocated to four centers of excellence: center for environmental health, center for community preparedness, center for community health, and the center for preventive health. The office also administers the vital records and statistics program.

Center for Environmental Health. The purpose of the environmental health services program is to promote control of and a reduction in acute and chronic diseases caused by unsafe environmental conditions through enforcement of the Sanitary Code. The office conducts inspection of public and private entities for compliance with the code.

Components of the center for environmental health include:

- Drinking Water Revolving Loan Fund
- Engineering Services
 - Operator Certification
 - Community Sewerage
 - Safe Drinking Water Program
- Environmental Epidemiology & Toxicology
- Permit Unit
- Sanitarian Services
 - Building and Premises Program
 - Seafood Sanitation Program
 - Food and Drug Control Program
 - Infectious Waste Program
 - Milk and Dairy Control Program
 - Molluscan Shellfish Program
 - Onsite Wastewater Program
 - Retail Food Program

Center for Community Preparedness. The purpose of the community preparedness program is to prepare Louisiana residents for future declared state of emergencies. The office is responsible for the protection of Louisiana citizens from bioterrorism incidents, emergent health threats, and preventable medical needs through the following programs:

- Medical Social Services
- Workforce Development
- Logistics
 - Cities Readiness Initiative
 - Health Alert Network
 - Emergency Operation Center Management
 - Inventory Management
 - Strategic National Stockpiles
 - Warehouse Management
- Louisiana Emergency Response Network
- Community Outreach
- Public Health Emergency Preparedness and Response
- Planning
 - Education Coordinator
 - Pandemic Influenza
 - Preventive Health and Health Services Block Grant
 - Training/Exercise Unit

Center for Community Health. The purpose of the center for community health is to provide health education, information, and services for the underserved population through a system of regional offices and parish health units. The center also plays a vital role in assuring the state's capacity to deliver an appropriate and responsive epidemiology, surveillance, and public health system laboratory. Components of the center for community health include an assortment of preventive health services for infants, children, adolescents, women of childbearing age, pregnant women, newborns suspected of having genetic diseases, children with special health care needs, and

persons at high risk for certain chronic and infectious diseases.

Center for Preventive Health. The purpose of the preventive health program is to maximize the potential to avert personal health problems including actions that reduce susceptibility or exposure to health threats, detecting and treating diseases in early stages, and alleviating the effects of disease and injury. Components of the center for preventive health include:

- Adolescent School Health Initiative - School-Based Health Centers
- Children's Special Health Services
 - Hearing, Speech and Vision Program
- Family Planning
- Genetic Diseases
- Childhood Lead Poisoning Prevention Program
- HIV/AIDS Program
- Immunization Program
- Maternal & Child Health
- Nutrition Services
 - Obesity Control
 - WIC Program
- Sexually Transmitted Diseases
- Tuberculosis Control Program

Vital Records and Statistics. The vital records and statistics program collects, transcribes, compiles, analyzes, reports, preserves, amends and issues vital records including birth, death, fetal death, stillbirth, abortion, marriage, and divorce certificates. The program also operates the Louisiana Putative Father Registry, the Orleans Marriage License Office, and records all adoptions, legitimations, and other judicial edicts that affect the state's vital records. For marriage records for parishes other than Orleans, contact the office of the clerk for that parish. The program also provides population based vital event and health information data that serves as the planning base for health assessment activities, health resources allocation and the targeting of health intervention projects or programs through the State Center for Health Statistics.

- Office of Mental Health

Functions. The office of mental health performs the functions of the state which provide services and continuity of care for the prevention, detection, treatment, rehabilitation, and follow-up care of mental and emotional illness, and functions related to mental health. The office administers residential and outpatient care facilities for persons who are mentally ill. (R.S. 36:258(C))

Program Purpose/Components. The purpose of the mental health services program is to provide an integrated, consumer driven system of care which supports recovery and resiliency by treating people with mental health needs and people with co-occurring disorders. Components of the mental health services program include:

- Community Mental Health Clinics
- Day/Psychosocial Rehabilitation Treatment Programs
- Hospital Acute Inpatient Psychiatric Units
- Community and Family Support Programs

- Pharmacy Services
- Crisis Management Services
- Office for Citizens with Developmental Disabilities

Functions. The office for citizens with developmental disabilities program is responsible for programs and functions relating to the care, training, treatment, and education of the developmentally disabled and the autistic. It also administers residential and day care facilities for the developmentally disabled. (R.S. 36:258(D))

Program Purpose/Components. The office for citizens with developmental disabilities serves as the single point of entry into the developmental disability system and oversees the public and private residential services as well as other supports and services for people with developmental disabilities. Services include:

- Vocational and habilitative services for people over age 22, including individual and group employment, daytime activities, and training needed to gain and sustain employment.
- Individual plans of support.
- Early intervention services for infants and toddlers (age 0 to 36 months) with developmental disabilities, such as speech and language therapy, physical therapy, social services, family training, assistive technology, nutrition services, education, nursing services, transportation, and psychological services.
- Cash subsidy payments to families to offset the extraordinary cost of services and equipment.
- Individual and family support to assist in meeting the needs of an individual with developmental disabilities at home or with families in their communities. Eligible services include special equipment, supplies, special clothing, medical expenses, counseling, respite care, personal care attendant, family education, and specialized nutrition.
- Extended family living for individuals with developmental disabilities residing in the home of non-related persons.
- Transition services for individuals who move to a community living setting from a publicly operated supports and services center.
- Resource centers which aid in identifying, supplementing, and maximizing the existing supports and services system.
- Supports and services centers which provide residential services as well as a variety of community-based supports and services.
- Waivers. (See further discussion under "Waivers" beginning on page 2D-12.)

- Office of Addictive Disorders

Functions. The office for addictive disorders, known prior to the 1999 Regular Session as the office of alcohol and drug abuse or the office of substance abuse, is responsible for the functions of the state relating to the care, training, treatment, and education of those suffering from addictive disorders and the prevention of addictive disorders. The office of addictive disorders administers the residential and outpatient care facilities of the state for patients suffering from addictive disorders and administers the state's addictive disorder programs. The office also regulates the practice of all addiction professionals and counselors. The office provides a twenty-four-hour, toll-free telephone service to provide information regarding available services to assist with compulsive or problem gambling behavior. (R.S. 36:258(E))

Program Purpose/Components. The purpose of the addictive disorders program is to provide prevention and treatment for addictive disorders. The office oversees outpatient clinic facilities, inpatient residential treatment facilities, detoxification facilities, halfway houses, recovery homes, therapeutic community services, three-quarter way houses, compulsive gambling treatment services, and methadone treatment facilities. The office also coordinates activities of all state departments' addictive disorders programs, has established an employee assistance program for public and private employers to address substance abuse issues, and publishes data on substance abuse within the state.

- Louisiana Commission on Addictive Disorders. The Louisiana Commission on Addictive Disorders consists of a 13-member body created to recommend an annual state plan to the office for addictive disorders setting forth proposed policy, program initiatives, and goals for each fiscal year relative to the prevention and treatment of addictive disorders in this state. The commission also serves as liaison among state and local governmental entities concerned with the prevention and treatment of addictive disorders. (R.S. 46:2503)

- Office of Aging and Adult Services

Functions. Upon recommendation of the Governor's Health Care Reform Panel initiated under Governor Kathleen Blanco, Act No. 465 of the 2006 Regular Session created the office of aging and adult services. The office is responsible for programs related to long-term care supports and services programs. (R.S. 36:258(F))

Program Components. The office of aging and adult services program provides a range of long-term care supports and services to the elderly and individuals with developmental disabilities. Current services include waivers, adult protective services, HIV case management, long-term personal care services, nursing home admissions review, the program for all inclusive care of the elderly, Villa Feliciana Medical Complex and the John J. Hainkel, Jr. Home and Rehabilitation center. The majority of these programs are provided statewide and are administered through the nine regional offices that correspond with DHH's regions.

HUMAN SERVICE DISTRICTS

Purpose

Several human service districts have been created throughout the state to perform the functions relative to the operation and management of mental health, developmental disabilities, and addictive disorders services for specific parishes. Capital Area Human Services Authority is also responsible for the operation and management of certain community-based public health services. (R.S. 36:258)

Locations

- Jefferson Parish Human Services Authority serves Jefferson Parish.
- Capital Area Human Services District serves Ascension, East Baton Rouge, Iberville, Pointe Coupee, and West Baton Rouge parishes. It also provides the services for the remainder of administrative region 2, including East Feliciana and West Feliciana parishes.
- Florida Parishes Human Services Authority serves Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington parishes.
- South Central Louisiana Human Services District serves Assumption, LaFourche, St. Charles, St. James, St. John the Baptist, St. Mary, and Terrebonne parishes.
- Metropolitan Human Services District serves Orleans, St. Bernard, and Plaquemines parishes.
- Northeast Human Services Authority serves Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll parishes.

MEDICAID

Purpose/Procedure

Title XIX of the Social Security Act was enacted by Congress in 1965 to provide grants to states for medical assistance programs referred to as "Medicaid". Medicaid was established for three specific purposes:

- (1) To finance health care for selected groups of individuals who could not otherwise afford adequate care.
- (2) To shift the delivery of much of this care from public hospitals to private hospitals, physicians, and other providers in the private sector.
- (3) To extend this coverage to include in the future all individuals who could be identified as medically indigent.

In contrast to "Medicare" (Title XVIII of the Social Security Act), which is a federal insurance program serving primarily those over age 65, Medicaid is a federal and state medical assistance

program for low-income people of every age. Each state has some discretion in determining eligibility standards, in determining the type, amount, duration, and scope of services, and determining the rate of payment for services. However, the amount, duration, and scope of each service must be sufficient to reasonably achieve its purpose. With certain exceptions, a state's Medicaid plan must allow recipients freedom of choice among health care providers participating in Medicaid.

Eligible persons enrolled in the Medicaid program receive a card to present to qualified health care providers indicating that the cost of covered services to the individual will be paid directly to the provider with Medicaid funds by the state administrators of the program. There is no charge or reimbursement directly to the patient. The cost of Medicaid services is shared by federal and state government in ratios that are set for each state based upon the relationship between a state's per capita income and national per capita income. Minimum federal sharing is 50% and the highest is about 90%. The formula moves, with a lag, to reflect the changing economic fortunes of the states. Currently in Louisiana, the federal government provides approximately 70¢ of every dollar expended in Medicaid funds. There are roughly 947,000 Medicaid recipients in Louisiana, of which about 61.6% are children.

Eligibility

Federal law sets the minimum provisions for any state that opts to administer a Medicaid program. Federal requirements mandate that all of the following are eligible for Medicaid:

- Low income families with children who meet the old guidelines for Aid to Families with Dependent Children.
- Recipients of Supplemental Security Income (SSI), in most states.
- Infants born to Medicaid-eligible pregnant women through the first year of the infant's life.
- Children under age 19 whose family income is at or below the federal poverty level. For 2007, the federal poverty level for a family of four is \$20,650.
- Children under age 6 and pregnant women whose family income is at or below 133% of the federal poverty level.
- Recipients of adoption assistance and foster care.
- Certain people with Medicare.
- Special protected groups who lose Medicaid coverage due to certain circumstances, such as an increase in earnings or child or spousal support, or a loss of SSI benefits.

An additional optional category provided for in Louisiana is "medically needy", those who become eligible for coverage when they "spend down" their resources as a consequence of their illness. Over 20% of the state's population is eligible for Medicaid services.

Covered Services

Federal law requires generally that services provided by the states include inpatient and outpatient hospital and physician services, laboratory and X-ray services, nursing home care, home health care, and family planning. States may also provide for numerous optional items of coverage such as drugs, intermediate care facility services, eyeglasses, inpatient psychiatric care, physical therapy, prenatal care, prosthetic services, and dental care.

In Louisiana, the Medicaid program is administered as the "Medical Vendor Payments Program" by the bureau of health services financing. Management of the bureau has been delegated by the secretary to the undersecretary of the office of management and finance. The services provided include:

- Hospital services: inpatient, outpatient, and emergency room visits.
- Physician services: visits in response to symptoms or diagnosed medical conditions indicating illness, injury, or trauma. Immunizations are covered for recipients under the age of 21.
- Clinic services: rural health, family planning, mental health, rehabilitation, substance abuse, sexually transmitted disease, and tuberculosis clinic services.
- Laboratory and X-ray services: diagnostic testing and X-ray services ordered by the attending or consulting physician are covered.
- Long-term care services: residential care in a nursing facility.
- Home and community-based services: alternative services to institutional care, provided to limited numbers under waivers.
- Home health services: part-time skilled nursing services, home health aide services, physical therapy, occupational therapy, speech therapy, and language therapy are provided in the recipient's home.
- Prescribed medication: most prescribed drugs are covered. Cosmetic drugs, cough and cold preparations, diet aids, and fertility drugs are not covered.
- Transportation: transportation to and from medical appointments is covered. Transportation to and from a pharmacy is not covered.
- Dental services: a full range of dental services are covered for recipients under age 21 in accordance with an approved treatment plan. Services for recipients over age 21 are limited to dentures, denture relines and denture repairs.
- Eye care services: services include routine eye examinations, treatment of eye conditions, eyeglasses, and contact lenses dependent on the recipient's age.
- Prenatal care: services offered to female Medicaid recipients of child-bearing age. Includes office visits, lab services, and prenatal and postnatal care and delivery.
- Podiatry services: services include office visits and certain radiology, lab services, and

diagnostic procedures. Some procedures require pre-authorization, which is submitted by the provider.

- Hospice services: Medicare allowable services are covered.
- Durable medical equipment: covered medical equipment, appliances, and medical supplies are provided with prior approval.
- Early and Periodic Screening, Diagnosis and Treatment services: provided to recipients under age 21. These recipients are sought out and notified of preventive health care available to them, such as eye, dental, hearing, and personal care services.

These services are financed through the state general fund, self-generated revenues statutory dedications, interagency transfers, and federal funds, with the federal portion approximating 70¢ of each dollar expended for provider payments. The total amount of resources allocated for Medicaid in Louisiana in FY 2007/2008 is approximately \$6.2 billion, 18.6% of the state budget.

Disproportionate Share/ Uncompensated care costs

Beginning in FY 1988/1989, the state was mandated by federal law to make additional payments to hospitals serving a disproportionate share of low income patients (Medicaid and indigent). Prior to this requirement, the cost of caring for uninsured patients in state facilities was covered with state general funds. Originally, there were no cost limitations on the amount of disproportionate share hospital (DSH) payments paid to a qualifying hospital; therefore, due to the large volume of Medicaid and uninsured patients that were treated in the state hospital system, DSH payments in accordance with the approved payment methodology were higher than the state hospitals' costs. State general funding which covered the cost of caring for indigent patients along with some of the state funding used to match the federal portion of Medicaid payments were both supplanted with these additional federal revenues generated through the DSH payments. Changes in federal law in the early 1990s capped the amount of DSH funding allotted to each state and limited DSH payments to each hospital to its uncompensated care costs. As a result, the state's DSH payments decreased from about \$1.4 billion in FY 1994/1995 to \$685.8 million in FY 1995/1996.

Waivers

Federal law requires each state with a Medicaid program to follow certain guidelines in services offered, eligibility criteria, and access to care. The law provides that certain requirements may be waived in order to improve quality of care. Many states have sought and received waivers to allow the state to restrict Medicaid recipients' freedom to choose any health care provider for services in order to provide for managed care or to require that an individual receive a referral from a primary care provider before seeing a specialist.

Many of these waivers provide home and community based care services to provide long-term care services to people who otherwise would require institutionalization. The number of available waiver slots is limited, either by federal mandate or by state funding limitations, and there are waiting lists for the programs. The waiver programs include:

- Elderly and Disabled Adults Waiver. Administered by the office of aging and adult services, this waiver provides services to the elderly or disabled in a home or community-based setting.

- **Adult Day Health Care Waiver.** Administered by the office of aging and adult services, this waiver provides services for five or more hours per day in a licensed and Medicaid-enrolled adult day health care facility for qualified elderly and disabled individuals.
- **New Opportunities Waiver.** Administered by the office for citizens with developmental disabilities, this waiver provides specific, activity focused services in lieu of continuous custodial care for developmentally disabled individuals.
- **Children's Choice Waiver.** Administered by the office for citizens with developmental disabilities, this waiver provides unique supplemental support to children with developmental disabilities who live at home with their families, or who will leave an institution to return home.
- **Supports Waiver.** Administered by the office for citizens with developmental disabilities, this waiver provides services for developmentally disabled individuals who were previously receiving state general funded vocational and habilitation services. The waiver also provides services to individuals on the waiting list of the Developmental Disability Request Registry who meet disability criteria but have not yet been provided services.
- **Residential Opportunities Waiver.** Administered by the office for citizens with developmental disabilities, this waiver will promote independence for individuals with developmental disabilities by strengthening their capacity for self-sufficiency and community integration through a wide array of services, supports, and residential options. This waiver is expected to be implemented in February 2008, upon approval from the Centers for Medicare and Medicaid Services.
- **CommunityCARE Waiver.** Administered by the bureau of health services financing, this waiver links certain Medicaid recipients to local primary care physicians. This type of waiver improves access to quality medical services by ensuring continuity of care within a reasonable geographic distance from an enrollee. Through the program, a primary care physician manages the care of the enrollee by providing education, preventive care, acute care, and referrals to specialists.
- **Family Planning Waiver.** Administered by the bureau of health services financing, this waiver provides services to females between the ages of 19 and 44 who do not meet Medicaid certification criteria but who have family incomes up to 200% of the federal poverty level. Services include annual physical examinations, lab tests, medications and supplies, and some voluntary sterilization procedures.

LaCHIP

The federal Balanced Budget Act of 1997 amended the Social Security Act to create a new program for providing medical coverage for low income, uninsured children under the age of 19 called the State Children's Health Insurance Program (SCHIP). The state version of the SCHIP program is called the Louisiana Children's Health Insurance program (LaCHIP). States are authorized to implement the program by providing expanded Medicaid coverage, private health insurance, or a combination of the two. To date, the state has implemented LaCHIP through expanded Medicaid coverage. The federal government pays 78.8% of every dollar spent in the program in Louisiana.

Act No. 128 of the 1998 First Extraordinary Session provided that the program, subject to appropriation, expand Medicaid coverage to all children in families with income at or below 133% of the federal poverty level. Act No. 1197 of the 1999 Regular Session authorized expanded Medicaid and LaCHIP coverage to 200% of the federal poverty level for children up to age 19, subject to available funding. Medicaid began coverage for children at this level in FY 2001/2002. Coverage again expanded to include pregnant women up to 200% of the federal poverty level in FY 2002/2003.

In 2007, the Louisiana Children and Youth Health Insurance Program was created. The program would expand LaCHIP coverage to children whose family income is between 200% and 300% of the federal poverty level. Subject to funding, the program would provide health benefits equivalent to those offered through LaCHIP. Alternatively, and when cost-effective to the state, premium assistance to families toward the cost of privately sponsored health insurance would be offered, including employer-sponsored and individually purchased health insurance.

STATE-OWNED MEDICAL CENTERS (CHARITY HOSPITALS)

Each year, an estimated one in five Louisianans receives health care services at one of the state's public medical centers. The medical centers provide acute general medical, surgical, and psychiatric care to the medically indigent, uninsured, Medicare or Medicaid covered patients and self-paying patients. The hospitals also provide training for physicians, nurses, and allied professionals in affiliation with the state university medical schools and other health care professional educational institutions within the state.

The LSU Health Sciences Center at New Orleans currently administers seven state medical centers: Medical Center of La. in New Orleans, Earl K. Long Medical Center in Baton Rouge, University Medical Center in Lafayette, Leonard J. Chabert Medical Center in Lake Charles, Bogalusa Medical Center in Bogalusa, W.O. Moss Regional Medical Center in Lake Charles, and Lallie Kemp Regional Medical Center in Independence.

The LSU Health Sciences Center at Shreveport operates the university hospital in Shreveport. In recent years, the management of two medical centers under the operation of the LSU Health Sciences Center at New Orleans has been transferred to the LSU Health Sciences Center at Shreveport: E.A. Conway Medical Center in Monroe and Huey P. Long Medical Center in Pineville.

DEPARTMENT OF SOCIAL SERVICES

- Secretary, Deputy Secretary, Undersecretary

Appointed by the governor with consent of the Senate, the secretary serves as the executive head and chief administrative officer of the Department of Social Services (DSS). The secretary has responsibility for the policies of the department, and for the administration, control, and operation of the functions, programs, and affairs of the department, under the general control and supervision of the governor. The secretary's powers and duties are specifically enumerated in R.S. 36:473. The secretary may appoint a deputy secretary, subject to Senate consent. The duties and functions of the deputy secretary are determined and assigned by the secretary. If appointed, the deputy secretary serves as acting secretary in the absence of the secretary. The undersecretary is appointed by the governor with Senate consent, and is responsible for the office of

management and finance within the department, subject to the overall direction and control of the secretary. (R.S. 36:475 and 475.1)

Mandatory Duties. In addition to the duties traditionally provided to a department secretary related to rulemaking, planning, budgeting, and hearing appeals, the secretary is responsible for:

- The functions of the state relating to licensing of child care institutions (not including day care centers) which do not receive funds under Title XIX of the Social Security Act, and agencies.
- The state plan for participation in the Child Care and Development Block Grant Program and the Title IV-A federal program to assist families at risk of welfare dependency. (R.S. 36:474(A))

Permissive functions. The secretary has authority to:

- Act as legal custodian of any child placed with the department by court of law.
- Grant rights of way, servitudes, and easements across state-owned land under his jurisdiction to other state or local public bodies for any public purpose. (R.S. 36:474(B))
- Assistant Secretaries

Each office, except the office of management and finance, is under the immediate supervision and direction of an assistant secretary appointed by the governor with consent of the Senate, with duties and functions determined by the secretary. Assistant secretaries perform under the direct supervision and control of the secretary. (R.S. 36:476)

Offices

- Executive Office of the Secretary

The executive office of the secretary includes the staff who assist the secretary in performance of his duties and functions. Louisiana Rehabilitation Services and licensing functions (with the exception of licensing for day care centers) are also placed within the office of the secretary.

Louisiana Rehabilitation Services. This program assists persons with disabilities in their desire to obtain or maintain employment and independence in their community by providing rehabilitation services and working cooperatively with business and other community services.

Licensing. All child care facilities, including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency, are required to be licensed. Licenses are of two types: Class A and Class B. (R.S. 46:1404)

Class A licenses are issued upon the establishment of the fact that minimum requirements for a license as established by the department are met and that the facility

or agency is in compliance with all other state and local laws and regulations. (R.S. 46:1408) The regulations are promulgated by the department pursuant to the Administrative Procedure Act (APA) after submission to the Louisiana Advisory Committee on Licensing of Child Care Facilities and Child Placing Agencies for official review and approval. (R.S. 46:1407)

Class B licenses are issued to all child care facilities which have not applied for a Class A license which have provided the department with the required registration information. (R.S. 46:1412) The regulations are promulgated by the Louisiana Committee on Private Child Care in accordance with the APA, with specific rules and regulations with which Class B facilities are required to comply, including fire and safety standards promulgated by the office of state fire protection and the state fire marshal, health and sanitation standards promulgated by the office of public health, local zoning ordinances and building standards, and laws against child abuse. (R.S. 46:1413)

- Office of Management and Finance

Directed by the undersecretary, the office of management and finance is responsible for the accounting and budget control, procurement and contract management, data processing, management and program analysis, personnel management, grants management, facility construction and consulting services, and policy planning and evaluation for the department and all of its offices. (R.S. 36:475.1)

- Office of Family Support

The office of family support administers public assistance programs to provide aid to dependent children and to adults, who, due to age, disability, or infirmity, are unable to adequately meet their basic needs. The office performs the functions of the state related to the licensing of day care centers. Other programs administered by the office of family support include food stamps, child support, establishment of paternity, disaster relief grants program for individuals and families, and disability and certain other eligibility determinations. The office may contract with other state agencies for eligibility determinations. (R.S. 36:477(B)(1))

Family Independence Temporary Assistance Program

The Family Independence Temporary Assistance Program (FITAP) is the state's cash assistance program for families with children when the financial resources of the family are insufficient to meet subsistence needs. It succeeded the Aid to Families with Dependent Children program, with changes required under the state Welfare Reform Act of 1995 and the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). FITAP is federally funded through Louisiana's Temporary Assistance for Needy Families Block Grant.

The overall goal of FITAP is to decrease long-term dependency on the public welfare system and encourage job preparation, work, and self-sufficiency. State law establishes a twenty-four month limit on benefits in a five-year period, while federal law provides a limitation of sixty months of lifetime benefits. (R.S. 46:231.6)

Strategies to Empower People

The Strategies to Empower People (STEP) program was created in 2003 to provide opportunities for FITAP recipients to obtain employment and become self-sufficient by receiving job training and employment services. The STEP program is the successor to the FIND Work program, which in turn was preceded by Project Independence. Project Independence was part of the federal mandate of the Family Support Act of 1988 that all states implement a JOBS training program by October 1, 1990.

All work-eligible recipients of FITAP must participate in the STEP program. Work-eligible recipients are defined as FITAP adults under the age of 60 and FITAP teen heads-of-household, excluding those FITAP adults or teen heads-of-household who are disabled or incapacitated or caring for a member of their family who is disabled or incapacitated. (R.S. 46:231, 231.7, and 231.8)

Food Stamps

The food stamp program was established by congress in 1964 and congress has amended the legislation a number of times. The goals of the program are to promote general welfare, to safeguard the health and well-being of the population by raising levels of nutrition among low-income households through certification and issuance of food coupons to all eligible households, and to promote the distribution of agricultural products which will strengthen the nation's agricultural economy, as well as result in more orderly marketing and distribution of foods. Food stamps are 100% federally funded, while some administrative costs are 50% federal and 50% state.

The program is administered at the national level by the United States Department of Agriculture-Food and Nutrition Service. On a state level, the Department of Social Services, office of family support, food stamp section is responsible for the statewide administration of certification, issuance, and employment and training provisions of the law. Household eligibility is determined by the office of family support staff in each parish of the state.

Kinship Care Subsidy Program

The Kinship Care Subsidy Program is Louisiana's public assistance program which provides cash assistance for eligible children who reside with qualified relatives other than parents. The program is funded by Louisiana's Temporary Assistance for Needy Families Block Grant. The program furnishes cash assistance of \$280 per month per eligible child who resides with a qualified relative other than a parent, including a grandparent, aunt, uncle, brother, sister, first cousin, niece, nephew, stepbrother, or stepsister.

Electronic Benefits Transfer

Prior to the implementation of the electronic benefits transfer (EBT) program, monthly checks were sent to FITAP recipients, and food stamp recipients received books of coupons which were redeemed to purchase eligible food items. Under the electronic benefits system, FITAP, food stamp, and Kinship Care Subsidy Program recipients are given the equivalent of debit cards (called a Louisiana Purchase card) and select personal identification numbers (PINs). As purchases or cash withdrawals are made at grocery

store checkout lanes and ATMs, recipient accounts are debited electronically, and the recipient is provided a receipt of the transaction which includes the remaining balance in the account(s). After the initial six-month pilot in Natchitoches Parish, the Louisiana Legislature authorized statewide expansion of EBT to begin in July 1997. The final phase of EBT roll out was implemented in December 1997. EBT has reduced administrative workloads and costs and further provides an electronic audit trail to aid in fraud investigations. The Department of Social Services has plans to include additional benefits to EBT in the future.

Child Support Enforcement

Louisiana has had an ongoing child support enforcement program since 1952. This program was enhanced by federal expansions in 1975, 1984, 1993, and the PRWORA of 1996. The PRWORA included provisions to ensure that more children have paternity and child support orders established and receive financial support to cover their basic needs.

State and federal legislation has strengthened child support enforcement. On the state level, Act No. 612 of the 2001 Regular Session provided for the suspension of any license, certification, or similar documentation for a profession, occupation, business, industry, the operation of a motor vehicle, or participation in any sporting activity, including hunting and fishing, for the nonpayment of child support. Act No. 319 of the 2004 Regular Session added that the registration of the licenses of personal watercraft, motorboats, sailboats, all-purpose terrain vehicles, or trailers may be suspended due to nonpayment of child support. As of 2006, federal law mandates that an individual be ineligible to receive a U.S. passport if the individual owes child support payments in excess of \$2,500.

Any person receiving FITAP, Kinship Care Subsidy Program benefits, or Medicaid automatically receives child support enforcement services and assigns support rights to the state. If a person does not receive FITAP, Kinship Care Subsidy Program benefits, or Medicaid, he may apply for support enforcement services and pay an application fee of \$25.00. Support enforcement works with all 50 states as well as some foreign countries to provide child support services.

Disability Determination

The disability determination services program within the office of family support makes disability decisions under Titles II (Disability Insurance Benefits) and XVI (Supplementary Security Income) of the Social Security Act. The Social Security Act defines disability as the inability to perform any substantial gainful activity by reason of any medically determinable physical or mental impairment which is expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. It secures information relative to work history sources, arranges for consultative examination and vocational testing, and prepares the disability determination. Consideration is also given to whether the applicant is potentially suitable for rehabilitation services. All disability benefits and administrative costs of operating the program are 100% federally funded.

Child Care Assistance Program

Under the PRWORA of 1996, several federal grants to provide support for child care for welfare recipients training or becoming part of the workforce were consolidated into the Child Care Development Block Grant, which must be matched with state dollars. States must use at least 70% of the funds to provide child care assistance to welfare recipients, to those in work programs and attempting to leave welfare, and those at-risk of going on welfare. In Louisiana, this is done by providing child day care grants directly to the caregivers for eligible children, including Class "A" child day care centers, school-based before and after school programs, registered family child day care homes, and in-home providers. The average payment is \$216 per month. The amount paid is based upon the number of hours the adults work, engage in a job search, or attend an educational or job training program, as well as household size, household income, and the number of hours the child is in care.

- Office of Community Services

The office of community services provides comprehensive social services programs to children and families, including but not limited to protective services, foster care, and adoption. (R.S. 36:477(C))

Foster Care

This program provides protective services to children in custody of DSS who are unable to live with their parents or relatives and who require maintenance outside of their normal home environment as a result of abuse, neglect, or some other circumstances. It provides substitute, temporary care (e.g. foster family home, group home, residential care facility, etc.) for a planned period of time when a child must be separated from his own parents or relatives. Foster care is viewed as an interim process to provide care for a child until he is reunited with his family or is provided with another type of permanent living situation. The program also includes social services to the child, his biological family, and the foster care provider.

The Foster Parents' Bill of Rights, established in 2006, ensures that foster parents are treated with dignity and respect and receive pertinent information, training, and support relative to children in their care. (R.S. 46:286.13)

Adoption

The office of community services provides adoption services for placement of children in DSS custody who are available for adoption. This involves such components as the study of applicant families and approval of adoptive homes, matching children and families, locating homes, providing counseling to children and adoptive parents (before, during and after placement), and in some cases, subsidy payments to the adoptive parents.

The office also performs adoptive petition services. This includes staff investigation of independent adoptions by certain family members (stepparent, grandparent, etc.) to determine the availability of the child and suitability of the adoptive home. Reports are made to the courts on these investigations. The staff also secures necessary reports for the courts on adoptive placements by public and private licensed adoption agencies.

Louisiana's safe haven law allows a parent to anonymously leave an infant child at a designated emergency care facility (a hospital, medical clinic, fire station, police station, pregnancy crisis center, or child advocacy center) with the intent of placing the child for adoption. The child must be left in the care of an individual at the designated emergency care facility. If the child is left unattended, the safe haven requirement is not met, and the parent could be prosecuted.

The Louisiana Adoption Registry is a registry established through the office to facilitate voluntary contact between adult adoptees, their birth parents, and/or siblings. It is available if a person is over the age of 18 and the adoption was legally finalized in the state of Louisiana.

Child Protection Investigations

In conjunction with local offices, the office of community services determines if a report of child abuse, neglect, exploitation, or lack of proper custody or guardianship is valid. Action is taken in validated cases, such as emergency services, removal of the child or the perpetrator from the home, filing a petition for court-ordered services, or referring the family for family services. As of 2004, state law requires child abuse reports involving a felony-grade crime against a child to be promptly communicated to the appropriate law enforcement authorities.